

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/000443

International filing date (day/month/year)
18.02.2005

Priority date (day/month/year)
19.02.2004

International Patent Classification (IPC) or both national classification and IPC
B65G17/00

Applicant
AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE SPA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Clivio, E

Telephone No. +49 89 2399-7251



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/000443

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	1-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 Reference is made to the following document:
D1 = WO-A-0185581
- 2 Although claims 1-14 meet the requirements of Article 33(1), (2) and (3) PCT with respect to the available prior art, amendment is required to overcome the objections below.
- 3 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):
A unit for feeding products (see: page 1, lines 1-20) comprising a conveyor unit (servo-train system (20)) with pockets (buckets (24)) in receipt of products (products (P)) from a dispensing device (product infeed device (12)) and extending along a path to a transfer station (cartonning station (15)), an outfeed conveyor (conveyor (42)) by which products are directed at a constant pitch towards a user machine (means (48)), and a transfer unit (product pusher system (60)) operating between the conveyor unit and said outfeed conveyor (see figures), whereby the conveyor unit comprises a first chain and a second chain placed one besides the other (chains (21a) and (21b)), said chains are set in motion by a drive means (servomotor - not shown) and governed by a control unit (electronic control means - not shown), the pockets are arranged in groups along the conveying path, said pockets are ordered at constant pitch and associated with said chains (see figures).
Said transfer unit further comprises means (push rods (62)) by which products are ejected from the pockets and transferred at predetermined intervals to the outfeed conveyor.
From this, the subject-matter of independent claim 1 differs in that:
Said conveyor unit comprises independently driven belts set in motion by independent drive means and governed (independently) by a control unit
The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)
- 4 The problem to be solved by the present invention may be regarded as:
How to obtain a unit for feeding products ensuring both a smooth operation and a precise conveying synchronisation.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT).

- 5 Claims 2-14 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 6 According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "*transfer means* (19)" "*means* (19)" and "*elevating platform* (19)" for the same feature (see: claims 2, 3 and 5-7; see also: page 5, line 14; page 6, lines 17, 18 and 23; page 7, lines 3 and 16; page 8, lines 4 and 18; page 9, line 24; page 10, lines 15 and 30; page 11, lines 27 and 28).
- 7 Although claim 1 is drafted in the two-part form some features are incorrectly placed in the characterising portion, as they are disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).
- 8 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 is not mentioned in the description, nor is this document identified therein.
- 9 The subject-matter of claims 1-14 is clearly industrially applicable.